

REMARKS

Applicant notes the drawing objection set forth on page 2 of the preceding Office Action. (Applicant also notes that the form PTOL-326 indicates that the drawings filed March 16, 2006 have been accepted). Although these two positions are inconsistent, Applicant has accepted the comments on page 2 of the Office Action as controlling, and has the following comments.

Applicant provides two (2) new sheets of drawings in which element "61" is used as an identifier for the tension device integrated in the transport means and have amended the specification to refer to this element.

Applicant has also entered element "56" to refer to the protrusions from a lower side of a lid and has also amended the specification accordingly.

The lids and transportation means (figures 1 and 2 of the preceding drawings) and the description of Figure 2 on page 4 of the specification both show the transportation means 1 and the "lid" as clearly identified by element 5 (see e.g., page 5 of the specification). Containers including a base and four foldable side walls are also shown in Figure 1 as a stack of containers "4" the kind of which are well known to those skilled in the art. However, in order to assist the Examiner, Applicant has amended the specification to refer to a typical container, such as those shown in U.S. Patent No. 6,029,840. As to the elements "tension strap seals" found in previous claims 3 and 4, and the "unit comprising containers in a collapsed state" found in previous claim 9, as claims 3, 4 and 9 have been deleted, accordingly, there is no requirement to amend the drawings or specification to refer to these elements. Therefore, Applicant respectfully submits that the replacement sheets of drawings, together with the amendment of the specification and the foregoing comments overcome the previous rejections to the drawings as set forth in the preceding Office Action.

Reconsideration and withdrawal of the rejection of claims 1-11 under 35 USC §112, second paragraph allegedly as being indefinite is respectfully requested in view of the following comments in the foregoing amendment. The Examiner has objected to the use of the term “possibly”. Although Applicant does not agree that the use of the term “possibly” renders limitation readable on any wheels, Applicant has amended the claim to recite “optionally” which avoids the Examiner’s allegation of “indefiniteness”. In addition, Applicant has added a new claim 12 which positively recites that the carrying structure is provided with wheels at each of the four corners and at least two of the wheels are swivel caster wheels. Accordingly, withdrawal of the rejection is, therefore, respectfully requested.

Reconsideration and withdrawal of the previous rejection of claims 1, 2 and 5-11 under 35 U.S.C. §103(a) as being unpatentable over Uitz (U.S. Patent No. 5,865,315) in view of Broadley (WO 00/51898) are respectfully requested.

The Uitz disclosure fails to show the interaction between the wheels and the upper portion of the pallet carrying structure. It also fails to disclose a lid arranged on top of a stack of containers.

The Broadley reference does not correct the foregoing deficiencies of Uitz, insofar as a pallet carrying structure (or dolly as it is normally called).

The problem with stacking dollies are the wheels, a problem that is close to nonexistent with pallets, such as the one disclosed by Uitz. Applicant has provided a lid with a functionality which will make it possible to stack dollies on top of container with this specific lid. These features were present in previous claim 6 which has now been introduced into independent claim 1. Such features are not at all disclosed by the proposed combination of Uitz in view of Broadley, nor would it have been obvious to the ordinary worker skilled in the art at the time the invention was made. Accordingly, withdrawal of the rejection of claims 1, 2 and 5-11 is respectfully requested.

Amendment to Office Action Dated March 21, 2008
U.S. Appln. No. 10/572,546
Atty. Docket No.: 8722.009.US0000

Having fully responded to the preceding Office Action, favorable reconsideration and withdrawal of all objections and rejections set forth therein, and pass of the application to issue at the earliest possible time is respectfully requested.

The Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith, or credit any overpayment, to our Deposit Account No. 14-1437, under Order No. 8688.029.US0001.

TPP/tnj
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Respectfully submitted,



Thomas P. Pavelko
Registration No. 31,689